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SUBJECT: PHASE II OF OAS SPECIAL COMMITTEE - REPORT NO. 9

COSTA RICAN FOREIGN MINISTER SPEAKS

1. FOREIGN MINISTER FACIO, VISITING WASHINGTON FROM UNGA, IN A SPEECH BEFORE THE SPECIAL COMMITTEE OCTOBER 1 GAVE A DETAILED ACCOUNT OF COSTA RICA'S VIEWS. IN GENERAL HE FOLLOWED THE MEXICAN RATHER THAN THE MORE RADICAL PERUVIAN LINE OF THINKING. HE STRONGLY FAVORED SUBORDINATION OF IA-ECOSOC AND CIECC TO THE PERMANENT COUNCIL, WHICH WOULD BECOME THE "PERMANENT EXECUTIVE COUNCIL OF THE GENERAL ASSEMBLY".

2. FACIO SAID THAT REALISTICALLY "REPRESENTATIVE DEMOCRACY" CANNOT BE A REQUIREMENT FOR SOLIDARITY AND ACHIEVEMENT OF OAS AIMS, AS ART. 3(D) STATES, AND HE SUGGESTED NEW LANGUAGE WHICH WOULD MAKE IT A "GOAL". HE WOULD ADD "RECOGNITION OF EACH STATE'S RIGHT TO ORGANIZE ITSELF POLITICALLY, ECONOMICALLY AND SOCIALLY" -- A TIP OF THE HAT TO PLURALISM.

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CALLY AND SOCIALLY" -- A TIP OF THE HAT TO PLURALISM.

3. HE URGED THAT THE RIO TREATY NOT BE WEAKENED. NEVERTHE-
LESS, HE AGREED WITH MEXICO THAT TERMINOLOGY "AN AGGRESSION
WHICH IS NOT AN ARMED ATTACK" BE DROPPED FROM ART. 6. HE
SUGGESTED INSTEAD THAT THE CHARTER'S PARTIAL DEFINITION OF
AGGRESSION (ART. 9) BE AMENDED TO INCLUDE THE ORGANIZATION
OF ARMED BANDS FOR INCURSIONS INTO OTHER COUNTRIES.

4. FACIO ALSO PUT FORTH A VERY SPECIFIC DEFINITION OF
"ECONOMIC AGGRESSION" FOR INCLUSION IN ART. 9. ANY ACTION
BY A NATION WHICH HAS A DISCRIMINATORY EFFECT ON THE
ECONOMY OF ANOTHER NATION WOULD BE ECONOMIC AGGRESSION.
E.G. 1) RESTRICTIONS ON MOVEMENT OF PEOPLE AND CAPITAL, ON
TRANSFER OF TECHNOLOGY OR ON TRANSPORTATION AND COMMUNICA-
TIONS; 2) TARIFF AND NON-TARIFF RESTRICTIONS; 3) ACTS TO
IMPEDE A NATION'S NORMAL EXPLOITATION OF NATURAL
RESOURCES, AND 4) IMPEDING A STATE FROM ENJOYING THE
BENEFITS OF INTERNATIONAL INSTITUTIONS.

5. FACIO SUGGESTED THAT MEASURES TAKEN UNDER ART. 8 OF
THE RIO TREATY CONTINUE TO BE OBLIGATORY BUT THAT THEY BE
APPLICABLE FOR ONLY A YEAR. THEY COULD BE RENEWED BY TWO-
THIRDS VOTE IF MEMBERS WISHED. (IN PASSING FACIO REITER-
ATED COSTA RICA'S BY NOW FAMILIAR FORMULA FOR LIFTING
SANCTIONS AGAINST CUBA.) HE DISAGREED WITH THE MEXICAN
PROPOSAL THAT ANY ART. 8 MEASURES TO BE BINDING SHOULD
HAVE UNSC AUTHORIZATION, STATING THAT THE LATTER APPLIED
ONLY TO "ENFORCEMENT ACTION" UNDER UN CHARTER ARTICLE
53(1), MEANING USE OF ARMED FORCE.

6. HE SUPPORTED MEXICAN PROPOSAL (PERU'S IS SIMILAR) TO
LIMIT TREATY'S SCOPE TO LAND AND MARITIME TERRITORIES OF
SIGNATORY STATES (RATHER THAN PRESENT ZONE CONCERNING
ENTIRE WESTERN HEMISPHERE PLUS EXTENSIVE ADJACENT HIGH SEAS
AREA).

7. COMMENT: FACIO'S ATTEMPT TO SPELL OUT ECONOMIC AG-
GRESSION WAS THE MOST SPECIFIC THE COMMITTEE HAS HEARD.
INCLUSION OF "ECONOMIC AGGRESSION" IN THE RIO TREATY IS
UNACCEPTABLE TO US. HIS NARROWER DEFINITION OF "AGGRES-
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SION WHICH IS NOT ARMED ATTACK" ALSO SEEMS SOMETHING OF A
STEP BACKWARD, SINCE THERE ARE OTHER TYPES OF INDIRECT
AGGRESSION WHICH MIGHT NOT BE COVERED BY THE COSTA RICAN
LANGUAGE. PORTER

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